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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ECHO & RIG SACRAMENTO, LLC,
individually and on behalf of all others
similarly situated,

Plaintiff,

v.

AMGUARD INSURANCE COMPANY,
Defendant.

CASE NO. 2:23-CV-00197-DJC-JDP

**JOINT OBJECTION TO THE SCHEDULING
ORDER (DKT. 50), STIPULATION, AND
ORDER FOR EXTENSION OF DEADLINES
ASSOCIATED WITH PLAINTIFF'S CLASS
CERTIFICATION MOTION**

Judge: Hon. Daniel J. Calabretta
Action Filed: January 31, 2024

Pursuant to Federal Rule of Civil Procedure 16(b), Local Rule 144, this Court's Standing Order in Civil Cases, and the Court's May 15, 2024, Scheduling Order (Dkt. 50), Plaintiff Echo & Rig Sacramento, LLC and Defendant AmGUARD Insurance Co., by and through their respective counsel, submit the following joint objection, stipulation, and proposed order. The parties seek to (a) extend AmGUARD's deadline to file its opposition to Echo & Rig's Motion for Class Certification from March 7, 2025 to April 25, 2025; (b) extend Echo & Rig's deadline to file its reply in support of its motion for class Certification from March 17, 2025 to May 30, 2025; and (c) continue the hearing on Echo & Rig's motion from April 17, 2025 to June 12, 2025.

1. Existing & Proposed New Deadlines.

<u>Event</u>	<u>Existing Deadline</u>	<u>Proposed Deadline</u>
Close of Fact Discovery	January 17, 2025	January 17, 2025
Plaintiff's Motion for Class Certification	February 21, 2025	February 21, 2025
Defendant's Opposition	March 7, 2025	April 25, 2025
Plaintiff's Reply	March 17, 2025	May 30, 2025
Hearing on Motion for Class Certification	April 17, 2025, at 1:30 PM	June 12, 2025
Last Day to Hear Motions	Not Set	Not Set
Pre-Trial Conference	Not Set	Not Set
Trial	Not Set	Not Set

2. Good Cause Statement. There is good cause for the requested relief because the deadlines set forth in the Court's current Scheduling Order (Dkt. 50) do not allow sufficient time for expert discovery relating to class certification given that the parties' proposed schedule contemplated that taking place *during* class certification briefing—rather than before—for reasons of efficiency. Specifically, the parties envisioned:

a. Fact discovery would close on January 17, 2025, which is consistent with the Scheduling Order entered.

b. Echo & Rig would then have approximately one month to prepare and file its motion for class certification, including any expert declarations in support. The parties have no objection to the February 21, 2025 deadline for Echo & Rig's class certification motion.

c. AmGUARD would then need time to engage one or more experts to analyze Echo & Rig's motion and expert declarations and prepare their opinions in response. AmGUARD would also need sufficient time to depose Echo & Rig's experts so that those depositions can inform AmGUARD's expert opinions and AmGUARD's opposition brief. Because Echo & Rig anticipates one or more expert declarations relating to damages, a rebuttal expert will need a reasonable amount of time to analyze any data or modeling provided.

d. Thus, the parties estimated this process would take approximately two months, including the time for AmGUARD to prepare its brief. However, the current Scheduling Order provides only 14 days for AmGUARD to take expert depositions, engage experts to prepare rebuttal reports, and prepare its opposition brief—which, respectfully, is not enough time, especially given the need to coordinate schedules for depositions. **The parties thus respectfully request an April 25, 2025 deadline for AmGUARD to file its class certification opposition and supporting expert reports.**

e. The parties' joint Rule 26(f) report also contemplated providing Echo & Rig sufficient time to depose AmGUARD's expert witness(es), and thus requested 30 days for Echo & Rig to reply to AmGUARD's class certification opposition. **The parties thus respectfully request a May 30, 2025 deadline for Echo & Rig to file its class certification reply.**

f. The parties understand that the Court is available to hear Echo & Rig's class certification motion on June 12, 2025, and thus request that the Court hear the motion on that date.

g. The parties believe incorporating class certification expert discovery into the briefing schedule—rather than having a separate “phase” before Echo & Rig's class

certification motion is due—would be the most efficient way to brief the class certification motion, and would allow the Court to hear the class certification motion earlier than if the parties engaged in expert discovery between the close of fact discovery and the filing of Echo & Rig’s motion. The briefing deadlines prescribed by the Local Rules do not provide sufficient time for the parties to conduct expert depositions and prepare class certification expert declarations.

3. Previous Extensions.

- On May 11, 2023, the Court granted the parties’ stipulated request to extend briefing deadlines on AmGUARD’s motion to dismiss—providing Echo & Rig with an additional seven days to file its opposition and allowing AmGUARD an additional 13 days to file its reply. Dkt. 26.
- On August 30, 2023, the Court granted the parties’ stipulated request to continue the hearing on AmGUARD’s motion to dismiss from August 31, 2023, to September 28, 2023. Dkt. 32.
- On October 31, 2023, the Court granted the parties’ stipulated request to extend AmGUARD’s deadline to answer the complaint from November 1, 2023, to December 1, 2023. Dkt. 41.

There are no case deadlines calendared beyond the class certification hearing, so the parties’ request for an extension of the briefing deadlines and hearing date on Echo & Rig’s motion for class certification will not affect any other scheduled deadlines.

IT IS STIPULATED AND AGREED, subject to the Court’s approval, that:

1. The deadline for AmGUARD to respond to Echo & Rig’s motion for class certification shall be extended to April 25, 2025.
2. The deadline for Echo & Rig to file its reply in support of its motion for class certification shall be extended to May 30, 2025.
3. The hearing on Echo & Rig’s motion for class certification is rescheduled to June 12, 2025, at 1:30 PM.

4. The parties agree that this joint objection and stipulation does not waive any right to request further modifications of the case management order or extensions of deadlines.

IT IS SO STIPULATED.

Dated: May 24, 2024

GIBSON, DUNN & CRUTCHER LLP

By: /s/ Deborah L. Stein

Deborah L. Stein

Attorneys for Defendant AmGUARD Ins. Co.

Dated: May 24, 2024

By: /s/ Richard Lyon

Richard Lyon

*Attorneys for Plaintiff Echo & Rig
Sacramento, LLC*

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: May 28, 2024

/s/ Daniel J. Calabretta

THE HONORABLE DANIEL J. CALABRETTA
UNITED STATES DISTRICT JUDGE